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| 10/577,656 | 05/01/2006 | Kang Soo Seo | 46500-000411/US | 3241 |

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| EXAMINER |
|---|
| TOPGYAL, GELEK W |

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| 2621 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## DETAILED ACTION

### *Response to Arguments*

1.     Applicant's arguments filed 2/23/2010 have been fully considered but they are not persuasive.

2.     In re pages 6-9, the applicants presents several arguments. The applicants make the central argument that Kato does not contemplate the playback the playback of information using either a real Playlist or virtual Playlist where the information is derived from the optical disc and the local memory. The applicants then argue the additional references of Frimout and Tsumagari fails to cure the deficiencies in Kato.

3.     In response, the examiner respectfully disagrees. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.  See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The limitation argued is not relied upon Frimout, instead it is met by the proposed combination of Kato, Frimout and Tsumagari. Kato's system allows for the generation of an updated virtual playlist (which is a new Virtual Playlist). The virtual Playlist does indeed allow the system to playback the information stored on the optical disc, however the ability to playback data stored in a local storage is not relied on Kato. Page 3 (second last paragraph) of the Final Office Action mailed 12/8/2009 does not declare that Kato teaches that the additional clip is "stored in the local storage" (as argued by applicants), it is further discussed in the Page 4 (second last paragraph) that the proposed combination of Kato and Frimout fails to

teach that limitation. Furthermore, the reference of Tsumagari is introduced to teach that ability to download new content and store them on a local storage rather than the optical disc. Therefore, it is believed that the proposed combination of all three references is used to meet the entirety of claim 1, not solely Kato et al.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GELEK TOPGYAL whose telephone number is (571)272-8891.  The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382.  The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.  Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gelek  Topgyal/
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621